

REGULATORY ANALYSIS**BUSINESS, TRANSPORTATION AND HOUSING AGENCY**

DEPARTMENT California Highway Patrol	CONTACT PERSON Steve Brown	PHONE NUMBER (916) 327-3310
SUBJECT 97-01 HRCQ Radioactive Materials Shipments and General Hazardous Materials Regulations	CALIFORNIA CODE OF REGULATIONS TITLE: 13 COMMENCING WITH SECTION: 1158	
REGULATORY ACTION(S) <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal	<input checked="" type="checkbox"/> See Attached Fiscal Impact Statement (STD 399)	

STATUTORY AUTHORITY FOR ACTION:

Bill Number: _____ Author _____ Chapter No _____ Year _____

GOALS AND OBJECTIVES OF PROPOSED REGULATION(S):

In response to Governor Wilson's Executive Order W-127-95 directing all state regulatory agencies to effect comprehensive regulatory reform, the California Highway Patrol (CHP) proposes to amend the General Hazardous Materials Regulations to be consistent with national transportation requirements as required by federal law. This rulemaking action meets the goal of the Executive Order which is to enhance the competitiveness of California by eliminating or modifying, to the extent possible, regulations that represent a negative impact on businesses and the economy. These regulations will enhance public safety, delete duplicative reporting requirements, and make the regulations more user friendly by adding clarifying language and deleting unnecessary language.

ALTERNATIVE MEANS OF ACHIEVING GOALS AND OBJECTIVES:

The CHP has not identified any alternative, including the no action alternative, that would be more effective and less burdensome for the purpose for which this action is proposed. Additionally, the CHP has not identified any alternative which would be as effective and less burdensome to affected persons other than the action being proposed.

SYNOPSIS OF PROPOSED REGULATION(S):

Title 13, California Code of regulations (13 CCR), Section 1158 is intended to adopt the current federal definition of highway route controlled quantity (HRCQ) shipments of radioactive materials as mandated in Vehicle Code Section 2402.7. The amendment is to reflect a change in the citation of the federal definition of HRCQ as a result of reformatting of the referenced federal regulation. Title 49, Code of Federal Regulations (49 CFR) Section 177.825, referenced in 13 CCR 1158.3, was removed by the U. S. Department of Transportation (DOT) as being duplicative of the requirement in 49 CFR 397.101. As a result, 13 CCR 1158.3 is being amended to reflect the surviving 49 CFR citation. 13 CCR 1160.2(a) incorporates by reference specified portions of 49 CFR found in the most current edition, October 1, 1996. The CHP has elected to incorporate the federal requirements by reference (because copies are so readily available) rather than by incorporating the full text into 13 CCR. This reduces confusion and reduces costs on both the regulated community and enforcement agencies. Portions of subparagraph (d) and all of (e) of 13 CCR 1161.2 are being repealed as the corresponding federal requirements have been removed. Subparagraphs (c)(2) and (e) of 13 CCR 1163 are revised to eliminate references to 49 CFR 177.814 and 177.824 which were removed by DOT as being duplicative of language contained elsewhere in 49 CFR and adopted as part of 13 CCR 1163. The titles for 13 CCR 1165 and 1165.1 are removed since these sections were repealed in earlier rulemakings and serve no useful purpose and may confuse the regulated community. In 13 CCR 1167 the clarifying reference to 49 CFR "commencing with Section 177.853" is revised to read "177.854" as 49 CFR 177.853 was removed by DOT. All of 13 CCR 1168 is repealed as the referenced 49 CFR 177.818 was removed in 1996.

POTENTIALLY SENSITIVE OR CONTROVERSIAL ASPECTS OF REGULATION(S):

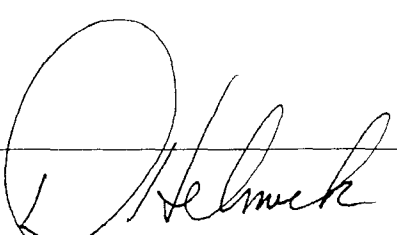
None.

ANTICIPATED SUPPORT OR OPPOSITION:

Support: HM shipper and carrier associations.

Opposition: None.

IF OPPOSED, REASON FOR RECOMMENDED REGULATION(S):

DEPARTMENT 	DATE 3/31	AGENCY	DATE
D. O. HFI MICK Commissioner			